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10/034,306	01/03/2002	Masahiko Inoue	501.38330CX1	8941
20457	7590 11/06/2003		EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP			DOUGHERTY, ANTHONY T	
1300 NORTH SEVENTEENTH STREET SUITE 1800		ART UNIT	PAPER NUMBER	
ARLINGTON, VA 22209-9889			2863	

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Please find below and/or attached an Office communication concerning this application or proceeding.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

Notice of Informal Patent Application (PTO-152)

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DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 2 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 7 of U.S. Patent No. 6,341,258. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of U.S. Patent No. 6,341,258 clearly anticipates claims 1 and 2 of the instant application. Claim 1 of U.S. Patent No. 6,341,258 clearly shows a calculating device for a shaking test (see column 9 claim 1 line 1 through line 4) a vibration model which is a numerically model of a partial structure (see column 9 claim 1 line 5 through line 13) a numerical model which is virtually connected to the partial structure and which is a model of a remainder of the structure (see column 9 claim 1 line 2 through line 3), with a calculation part which identifies a vibration model corresponding to a partial structure on the basis of displacement and reaction force detected in response to shaking (see column 9 claim 1 line 5 through line 13), which combines a vibration model and a numerical with each other to construct a model of the overall system

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corresponding to the structure (see column 9 claim 1 line 13 through line 16), and calculates the

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shaking response of the overall system model (see column 9 claim 1 line 16 through line 17).

Allowable Subject Matter

2. Claim 3 allowed.

3. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claim 3 is the inclusion of the method step of

constructing an overall system model by identifying the overall system model by renewing the

overall system model after calculating the shaking response of the overall system model. It is

this step found in each of the claims, as it is claimed in the combination, that has not been found,

taught or suggested by the prior art of record which makes these claims allowable over the prior

art.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

U.S. Patent No. 5,777,236 to Walls because it teaches using a numerical model to

calculate structure stress from data gathered from structure stress defining equations.

U.S. Patent No. 5,841,040 to Walls because it teaches using a numerical model to

calculate structure stress from data gathered from structure stress defining equations.

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U.S. Patent No. 5,737,239 to Horiuchi et al. because it teaches a shaking test including a

partial structure with a numerical model found by a shaking test and virtually connected to a

numerical model of the rest of the structure to define an overall system.

U.S. Patent No. 5,388,056 to Horiuchi et al. because it teaches a shaking test including a

partial structure with a numerical model virtually connected to a numerical model of the rest of

the structure to define an overall system.

Japanese Patent No. JP 405332876 A because it teaches a shaking test apparatus

including numerical models virtually connected to define the overall system model.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anthony T. Dougherty whose telephone number is (703) 305-

4020. The examiner can normally be reached on Monday through Friday from 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Barlow can be reached on (703) 308-3126. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-0956.

Technology Center 2800

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